

I. *Non-entry of amendment to claim 1.*

In the Preliminary Amendment of June 18, 1998, Applicants amended claim 1 by deletion of ", it optionally being possible...B chain to be absent" from lines 7-11. The Office refused entry of this amendment, asserting that 37 C.F.R. § 1.121(a)(2) does not permit deletion of more than 5 words from a claim without re-writing of the claim. Applicants respectfully submit that 37 C.F.R. § 1.121(a)(2)(i)(A) clearly permits deletion by instruction, without any limit on the length of text deleted (*e.g.*, the entire claim can be deleted by instruction). Thus, Applicants respectfully request that the amendment to claim 1, submitted June 18, 1998, be entered in accordance with 37 C.F.R. § 1.121.

II. *Response to Election of Species Requirement.*

In response to the Election of Species Requirement mailed June 26, 1999, Applicants elect the disclosed species in which position B3 of the human B chain is Lysine (Lys) and position B29 of the human B chain is Glutamic acid (Glu). In this species, the A chain is identical to the A chain of human insulin and the B chain has the sequence of SEQ ID NO.:3. Claim 1 is generic, and claim 28 reads on the elected species.

This election is made *with traverse*. It is respectfully submitted that all of the subject matter recited in claims 1-36, 41-58, and 60-67 is sufficiently related that a thorough search of the subject matter of any one species would encompass a search for the subject matter of the remaining species. Thus, a search and examination of the non-elected species with the elected species would not place a serious additional burden on the Examiner. MPEP § 803 states that "if the search and examination of the entire application can be made without serious burden, the

examiner must examine it on the merits" (emphasis added herein by Applicants). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

In view of the above remarks, Applicants respectfully request withdrawal of the Election of Species Requirement. In the event that the Examiner does not withdraw the Requirement, upon indication of allowable subject matter encompassed by claim 1, Applicants request that additional species encompassed by claim 1 be examined. Early and favorable action on the merits is respectfully requested.

If there is any fee due in connection with the filing of this Amendment, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

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Date: July 14, 1999

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